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Attorneys for Plaintiff
DANIEL DRAKE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL DRAKE,

Plaintiff,

v.

KRAFT FOODS GLOBAL, INC.;
NABISCO, INC.; and
Does 1 through 20, inclusive,

Defendants.

Case No. C 08-04824 SI

**STIPULATION FOR SECOND
CONTINUANCE OF INITIAL CASE
MANAGEMENT CONFERENCE; AND
[PROPOSED] ORDER**

Action Filed: November 30, 2007
Trial Date: None set

STIPULATION

Plaintiff Daniel Drake ("Plaintiff"), through his counsel of record, and Defendant Kraft Foods Global, Inc. ("Defendant"), through its counsel of record, hereby stipulate and agree as follows:

1. Plaintiff filed his initial Complaint in San Francisco Superior Court on November 30, 2007. Defendant was never served with Plaintiff's initial Complaint.

2. Plaintiff subsequently filed his First Amended Complaint on August 7, 2008. Plaintiff's First Amended Complaint alleges the following causes of action: (i) disability discrimination; (ii) failure to reasonably accommodate known physical disability; (iii) failure to engage in timely good faith interactive process with employee; (iv) age discrimination; and (v) wrongful termination in violation of public policy. Defendant was served with the First Amended Complaint on September 22, 2008.

3. Defendant timely removed Plaintiff's lawsuit to this Court on October 22, 2008. Upon removal, this action was assigned to U.S. Magistrate Judge Edward M. Chen.

4. On January 6, 2009, Defendant filed a Declination to Proceed Before a U.S. Magistrate Judge. On January 9, 2009, this action was assigned to U.S. District Judge Susan Illston.

5. Following removal of this lawsuit, Plaintiff and Defendant (collectively, "the Parties"), through their respective counsel of record, engaged in multiple discussions to determine the feasibility of resolving this matter through private mediation.

6. The Parties agreed to mediate this matter in front of the Honorable Rebecca Westerfield (Ret.) no later than April 23, 2009. The Parties filed a Stipulation to ADR Process on February 3, 2009.

7. The Parties agreed to and the Court ordered the following revised case management schedule:

a. **May 1, 2009** is the last date to meet and confer regarding initial disclosures.

b. **May 8, 2009** is the last date to file a Rule 26(f) Report, to complete initial disclosures or to state objections in the Rule 26(f) Report, and to file a Case Management Statement.

c. The initial Case Management Conference in Courtroom 10, 19th Floor, will be held at 2:00 p.m. on **May 15, 2009**.

8. On April 14, 2009, the Parties mediated this matter before the Honorable Rebecca Westerfield. As a result of the mediation, the Parties agreed to settle all of Plaintiff's claims. Defense counsel is preparing a Settlement Agreement and General Release to be reviewed by Plaintiff's counsel, and ultimately executed by the Parties. Defense counsel anticipates providing a draft of the Settlement Agreement and General Release to Plaintiff's counsel the week of May 11, 2009.

9. To allow sufficient time for the Parties to review and to execute the Settlement Agreement and General Release, the Parties have agreed to the following revised case management schedule, subject to approval of the Court:

a. **June 12, 2009** is the last date to meet and confer regarding initial disclosures.

b. **June 19, 2009** is the last date to file a Rule 26(f) Report, to complete initial disclosures or to state objections in the Rule 26(f) Report, and to file a Case Management Statement.

c. The initial Case Management Conference in Courtroom 10, 19th Floor, will be held at 2:00 p.m. on **June 26, 2009**.

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IT IS SO STIPULATED.

DATED: May 8, 2009

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: _____/s/

Douglas J. Farmer

David D. Sohn

Attorneys for Defendant

KRAFT FOODS GLOBAL, INC.

DATED: May 8, 2009

By: _____/s/

John C. Elsbree


Attorney for Plaintiff

DANIEL DRAKE

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May ____, 2009



Susan Illston
U.S. District Judge